

**State of Washington
Decision Package**

PLACEHOLDER

Agency:	310 Department of Corrections
Decision Package Code/Title:	0D – Legal Mandates

Budget Period: 2005-07

Budget Level: ML2 – Inflation and Other Rate Changes

Recommendation Summary Text:

The Department requests funds to address the Supreme Court ruling on Class 1 Free Venture inmate work programs.

Agency Total

<u>Fiscal Detail</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>Total</u>
Operating Expenditures			
001-1 – General Fund – Basic Account-State	\$551,000	\$551,000	\$1,102,000
Staffing	<u>FY 2006</u>	<u>FY 2007</u>	<u>Annual Average</u>
FTEs	0.0	0.0	0.0

Program 200-Institutional Services

<u>Fiscal Detail</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>Total</u>
Operating Expenditures			
001-1 – General Fund – Basic Account-State	\$551,000	\$551,000	\$1,102,000
Staffing	<u>FY 2006</u>	<u>FY 2007</u>	<u>Annual Average</u>
FTEs	0.0	0.0	0.0

Package Description

In May 2004, the Washington State Supreme Court overturned its own 2003 ruling, and has determined that the Department's Class 1 Free Venture inmate work program is in direct conflict with the state constitution.

The Class 1 Free Venture inmate work program was designed to allow offenders to work in real-world jobs, to find skills, to pay support to their families, pay restitution, and to pay for room and board. There are currently nine private industry partnership work programs employing approximately 300 offenders at Monroe Corrections Center (MCC), Airway Heights Corrections Center (AHCC), and Washington Corrections Center for Women (WCCW). Salaries paid to offenders under Class 1 employment are paid through the Department by the private industry and the Department incurs no expense. From the offender's earned wages the Department deducts child support payments, Prison Litigation Reform Act payments, Legal Financial Obligation payments, Crime Victim's Compensation payments, Cost of Incarceration payments, and other debt incurred.

The judgement will require the Department to incur expenses to re-employ these offenders as Class 2 Industry workers. Class 2 Industries is operated by Correctional Industries (CI). The Department will incur expenses after new industries are converted to CI operations. For example, the laundry operations are currently performed in-house at certain institutions. CI will take over operations but at an amount higher than what is currently allocated to these programs. The Department will also no longer be receiving reimbursement for utilities that Class 1 Industries currently pay and Class 2 Industries do not reimburse the Department. The Department is estimating \$51,000 per year will be needed for utilities.

Narrative Justification and Impact Statement

How contributes to strategic plan:

This request is critical to agency activities, the strategic plan, and statewide results. The request ensures that the Department has the necessary resources to maintain current levels of service and performance.

This request is required to sustain the agency activity of *Confining Convicted Adults in State Prisons*. The resources identified will be directed to support the agency objective to adhere to American Correctional Association standards for facilities and the field to reduce liability resources so that resources are deployed efficiently, effectively, and with regard to meeting constitutional mandates. This objective and strategy move the Department closer to meeting its high-level organizational goal to enhance organizational capacity and competency. This high-level goal is an intermediate outcome and helps achieve statewide results that improve the safety of people and property.

Performance Measure Detail

No measures were submitted for this package.

Reason for change:

The Washington State Supreme Court has ruled that the Class 1 Free Venture inmate work program is in direct conflict with the state constitution.

Impact on clients and services:

N/A

Impact on other state programs:

N/A

Relationship to capital budget:

N/A

Required changes to existing RCW, WAC, contract, or plan:

N/A

Alternatives explored by agency:

N/A

Budget impacts in future biennia:

Sufficient funding will be required in future biennia to allow for programming changes resulting from the Washington State Supreme Court ruling that the Class 1 Free Venture inmate work program is in direct conflict with the state constitution.

Distinction between one-time and ongoing costs:

All costs are ongoing.

Effects of non-funding:

Current level of services will need to be reduced to cover the programming changes required by the Washington State Supreme Court ruling that the Class 1 Free Venture inmate work program is in direct conflict with the state constitution.

Expenditure Calculations and Assumptions:

Utility increases are based on historical expenditures reimbursed to the Department by Class 1 private industries for Fiscal Year 2004 with the assumption that reimbursement would have increased by estimated increases at MCC, AHCC, and WCCW. The utilities reimbursed in Fiscal Year 2004 are electricity, water, garbage, and natural gas.

The Department has added a \$500,000 per year placeholder to address the programming changes.

<u>Object Detail</u>	<u>FY 2006</u>	<u>FY 2007</u>	<u>Total</u>
E Goods and Services	\$551,000	\$551,000	\$1,102,000
Total Objects	\$551,000	\$551,000	\$1,102,000